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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,664	11/28/2001	Willis Blankenship	7517.100	8429

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/994,664

Applicant(s)

BLANKENSHIP, WILLIS

Examiner

Andre' L. Jackson

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See 10 below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

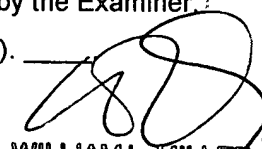
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6, 8-10 and 12-26.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☒ Other: See Continuation Sheet


WILLIAM L. MILLER
PRIMARY EXAMINER

Continuation of 10. Other: Applicant's request for reconsideration has been considered but found not to be persuasive. Applicant's remarks on page 11 of the after final amendment state that the prior art of record does not disclose or suggest the limitations set forth in applicant's claims. In particular, applicant states neither Fietze nor Newman disclose or suggest slidable rings and moreover, the Examiner erroneously states that the rings of Fietze are slidable along an entire length of its respective strap. Here, applicant is reminded that claims are given its broadest reasonable interpretation in light of the disclosure. The Examiner uses the combination of Fietze in view of Newman to anticipate applicant's claims as an obvious-type rejection. In particular, Newman teaches rings (26, 39) which are clearly formed as an integral unit with respective central slide bars (21, 32) configured to slide along a strap and as the bars slide along the length of the strap the rings slide as well. As to the rings (31a, 31b) of Fietze, it can be envisaged that these rings are formed as an integral unit with respective pads (9a, 9b), where the pads have strap receiving slits allowing the pads to move or slide about a circumference of the strap from one end to the other, thus affording the rings of Fietze to also be slidable about the strap as well. As to applicant's remarks that neither Fietze nor Newman disclose rings disposed between two length adjustment devices as set forth in applicant's claims 23-26, the Examiner would like to point out that the releasable fasteners (31a, 31b) of Fietze and similarly the releasable fasteners (17, 37) of Newman include two parts. The first part being the actual snap fastener hook structure and the second part is a base or ring defining a strap connection or adjustment point, therefore, satisfying the limitations of a ring disposed between two adjustment devices when Fietze is used in view of Newman. Lastly, the Examiner disagrees that the modification of Fietze in view of Newman destroys the intended purpose or usage of Fietze's device. The Examiner feels the modification of Fietze in view of Newman enhances the usage of Fietze's device by increasing its versatility when engaged with a supporting structure by various configuration connections and in no way does this modification of Fietze in view of Newman detract or prevent the carrying apparatus of Fietze from carrying an article. For the foregoing reasons stated above, the Examiner believes the prior art of record meets the limitations as set forth in applicant's claims as an obvious-type rejection and rejection of the claims is maintained.